

**UNITED STATES BANKRUPTCY COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

<b>IN RE:</b>	)	
<b>TONI M. MOREY,</b>	)	<b>CHAPTER 7</b>
<b>Debtor</b>	)	<b>CASE #08-31313-HJB</b>
<b>JACK E. HOUGHTON, JR.,</b>	)	
<b>CHAPTER 7 TRUSTEE,</b>	)	
<b>Plaintiff</b>	)	
<b>vs.</b>	)	<b>ADVERSARY PROCEEDING</b>
<b>WYNDOM D. MOREY, JR.,</b>	)	<b>No. 09-03005</b>
<b>Defendant</b>	)	

**PLAINTIFF'S MOTION TO STRIKE ANSWER AND FOR ORDER  
DIRECTING COUNSEL TO CEASE ASSISTANCE**

NOW comes Jack E. Houghton, Jr., Chapter 7 Trustee and Plaintiff (the "Trustee") in the above entitled matter and moves this Honorable Court to STRIKE the Answer filed by the Defendant Wyndom D. Morey, Jr. (Doc. No. 7), and to issue an Order against Debtor's counsel prohibiting him from rendering assistance to the Defendant. For reasons, the Trustee states as follows:

1. Toni M. Morey (hereinafter the "Debtor") filed a Voluntary Chapter 7 Petition on September 10, 2008.
2. On September 11, 2008, Jack E. Houghton, Jr. was appointed acting Chapter 7 Trustee therein.
3. The Debtor was formerly married to the Defendant Wyndom D. Morey, Jr., who resides in the former marital property located at 8 Sawyer Road, Worthington, Massachusetts.
4. On December 31, 2004, the Debtor and the Defendant were divorced by decree of the Hampshire Probate Court wherein there was a division of marital property between the parties. Within the decree, the Debtor agreed to convey her interest in the marital home located at 8 Sawyer Road to the Defendant in exchange for the payment of \$25,000.00.

5. In accordance with the decree, the Debtor, on July 12, 2006, executed a deed conveying her interest in the Sawyer Road property to the Defendant.
6. Following the Meeting of Creditors in the Bankruptcy Case, the Trustee ascertained that the Defendant, contrary to the provisions of the divorce decree, had only paid over to the Debtor the total sum of \$6,200.00, leaving a balance due to the Debtor of \$18,800.00.
7. On the basis of same, on January 30, 2009, the Trustee commenced an Adversary proceeding against the Defendant for violation of M.G.L. Chapter 109A (Fraudulent Transfer), requesting that the Defendant pay to the Trustee the value of the property fraudulently transferred.
8. The Summons and Complaint in the Trustee's Adversary was served on the Defendant by deputy sheriff on February 4, 2009 (See Docket # 6).
9. The Summons required that an Answer be filed by the Defendant on or before March 4, 2009.
10. On March 18, 2009, two weeks after the Defendant's Answer was due, a response to the Complaint was filed with the Bankruptcy Court (See Docket # 7). The document, itself, was entitled "Response Adversary Proceeding". Although the "Response" was apparently signed by the Defendant, there is a caption at the bottom which provides " Answer prepared by Richard I. Isacoff, Esq. with the explicit instructions of Debtor and Defendant. Substantive Answers provided by Debtor or Defendant and formatted by Debtor's Counsel".
11. Attorney Richard I. Isacoff is Bankruptcy counsel for the Debtor, Toni M. Morey. Ostensibly, it appears that Debtor's counsel counseled the Defendant, and prepared and filed an Answer on his behalf. Ostensibly, Debtor's counsel was "ghost-writing" for the Defendant.
12. The Trustee avers that there are ethical proscriptions which prevent Debtor's counsel from representing the Defendant in this matter as there is an actual and irreconcilable conflict of interest. Moreover, said ethical proscriptions prohibit "ghosting" of pleadings.
13. Additionally, the Defendant's Answer was late.

WHEREFORE, Jack E. Houghton, Jr., Chapter 7 Trustee and Plaintiff herein, respectfully requests this Honorable Court to STRIKE the Defendant's "Response", filed with the Bankruptcy Court on March 18, 2009 (Doc. No. 7), and to enter an Order directing Debtor's

counsel, Richard I. Isacoff to cease rendering any level or type of assistance to the Defendant.

Dated: March 26, 2009

/s/ Jack E. Houghton Jr.  
Jack E. Houghton, Jr.  
Chapter 7 Trustee and Plaintiff  
78 Bartlett Avenue  
Pittsfield, MA 01202  
(413) 447-7385  
B.B.O. # 241040

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TONI M. MOREY,	)	CHAPTER 7
Debtor	)	CASE #08-31313-HJB
	)	
JACK E. HOUGHTON, JR.,	)	
CHAPTER 7 TRUSTEE,	)	
Plaintiff	)	
	)	ADVERSARY PROCEEDING
vs.	)	No. 09-03005
	)	
WYNDOM D. MOREY, JR.,	)	
Defendant	)	
	)	

**CERTIFICATE OF SERVICE**

I, Jack E. Houghton, Jr., Attorney for the Plaintiff in the above mentioned adversary proceeding hereby certify that I have, this day, sent a copy of Plaintiff's Motion To Strike Answer And For Order Directing Counsel To Cease Assistance by first class mail, postage prepaid, to the following:

Office of the U.S. Trustee  
446 Main Street  
14<sup>th</sup> Floor  
Worcester, MA 01608

Defendant:  
Wyndom D. Morey, Jr.  
8 Sawyer Road  
Worthington, MA 01098

Debtor:  
Toni M. Morey  
P.O. Box 1186  
Hinsdale, MA 01235

Attorney for the Debtor:  
Richard I. Isacoff, Esq.  
100 North Street, Suite 405  
Pittsfield, MA 01201

Dated: March 26, 2009

/s/ Jack E. Houghton, Jr.  
Jack E. Houghton, Jr., Trustee  
78 Bartlett Avenue  
Pittsfield, MA 01201  
(413) 447-7385  
[JhoughtonJr@aol.com](mailto:JhoughtonJr@aol.com)